



CITY of MALDEN PLANNING BOARD

Minutes of Special Meeting

Meeting Date: August 16, 2022

Meeting Location: Malden City Hall, Herbert L. Jackson Council Chamber, 215 Pleasant Street, Malden, MA

I. Call to Order. Chairman Charles Ioven called the meeting to order at 7:03 p.m. Ioven announced that under the provisions of the Open Meeting Law, attendees are informed that this meeting is being recorded by Urban Media Arts, formerly known as Malden Access Television, and that he has not been notified that any other video or audio recording of this meeting will occur.

II. Roll Call. Ioven chaired the meeting and took a roll call.

Planning Board Members in attendance:

Antonucci, Kenneth

Chuha, Diane

Gebreselassie, Tewedaj

Gray, Resa

Henry, Eric

MacCuish, Eric

Soucy, Henri

Verma, Vikas Ronnie Raj

Ioven, Charles, Chair

Planning Board members absent: Hayes, Patrick.

Planning Staff in attendance: Michelle Romero, City Planner.

City Council Ordinance Committee Members in attendance:

Crowe, Peg, Ward 1 City Councilor, Committee Chair

Linehan, Amanda, Ward 3 City Councilor

McDonald, Carey, Councilor-at-Large

Council Ordinance Committee members absent: Ward 8 City Councilor Jadeane Sica, Ward 7 City Councilor Chris Simonelli.

Committee Chair Peg Crowe called the Committee to order and took a roll call.

Romero informed the Planning Board that CCP 315/2021 was not properly before the Board for public hearing, and notice needed to be given in accordance with state statute and local zoning ordinance. Ioven announced the public hearing re: CCP 315/2022 will not be held at this meeting and will be scheduled for another meeting.

III. PUBLIC HEARINGS

A. Zoning Amendments -Joint Public Hearing with City Council Ordinance Committee

Section 12.32.050.A, Title 12, Code of City of Malden, formerly known as Revised Ordinances of 2020, as Amended, City of Malden.

The notice of public hearing for CCP 286/2022, 316/2022, 317/2022, 318/2022 and 319/2022 was read into the record by Antonucci.

1) CCP 286/2022. To Amend Use Regulations for Marijuana Establishments. §§12.12.010.A, 12.12.190, 12.12.190.B, 12.12.190.G, 12.12.190.G.4, 12.12.190.H & 12.28.010.E: To change the special permit granting authority.

The Planning Board received a request via email dated August 17, 2022 from Craig Spadafora, Councilor-at-Large, co-sponsor, to table the public hearing due to family illness; co-sponsor Councilor Jadeane Sica was absent.

The Planning Board did not open the public hearing and received no public testimony.

Decision: The Planning Board tabled the public hearing re: 286/2022.

Record of Votes: On the motion of Antonucci, seconded by Henry, to table the public hearing was nine in favor, none opposed, and the motion passed (9-0).

2) CCP 316/2022. To Amend Use Regulations for Marijuana Establishments. §12.12.190.E: To delete principal use requirement.

Councilor Linehan, the sponsor, presented the proposed amendment.

3) CCP 317/2022. To Amend Use Regulations for Marijuana Establishments. §12.12.190.H.2: To amend required condition re: Security Plans.

Councilor Linehan, the sponsor, presented the proposed amendment.

4) CCP 318/2022. To Amend Use Regulations for Marijuana Establishments. §12.12.190.H.9: To amend required condition re: issuance of building permit & occupancy permit.

Councilor Linehan, the sponsor, introduced the amendment and at her request, Building Commission Nelson Miller presented the proposed amendment.

5) CCP 319/2022. To Amend Use Regulations for uses allowed by Special Permit, of new & existing buildings. To amend the following Sections to clarify and update language to reflect current protocol and administration and render consistent with current interpretation re: relief required for noncompliance with dimensional controls and parking requirements:

a) Residential Uses, Except for All Structures More than Six Stories.

§§12.12.010.A1 & 12.12.010.A.2.

b) Institutional, Business, Industrial, Other Uses. §§12.12.010.B.1 & 12.12.010.B.2.

c) Property with a Preferably Preserved Building. §§12.12.010.C.1 & 12.12.010.C.2.

d) Fast-food Service Restaurants. §§12.12.060.A & 12.12.060.B.

e) Restaurants. §§12.12.070.A & 12.12.070.B.

f) Drive-thrus. §§12.12.150.A & 12.12.150.B.

g) Gasoline Filling & Service Stations. §§12.12.160.A & 12.12.160.B.

Councilor Crowe, the sponsor, presented the proposed amendments.

The Board held the public hearing concurrently on all four papers (CCP 316/2022, 317/2022, 318/2022 and 319/2022). The Board opened the public hearing and received the following testimony during the public hearing:

In favor: (all via verbal testimony).

1. Amy Friedman, 8 Marvin Street, Malden.
2. Gary Oshry, 926 Eastern Avenue, Malden.
3. Ryan O'Malley, Ward 4 City Councilor, Main Street, Malden.
4. Karen Colon Hayes, City Councilor-at-Large, 105 Wyoming Avenue, Malden.
5. David Senatillaka, 32 Perkins Avenue, Malden.
6. Stee McMorris, 412 Pleasant Street, Malden.

In opposition: None.

The Board closed the public hearing.

The Board received and reviewed the following documentation at the meeting:

1. Planning Report & Recommendation dated August 16, 2022 w/attachments (Title 12.12.190 and 12.12.030).
2. City Council Paper 316/2022.
3. City Council Paper 317/2022.
4. City Council Paper 318/2022.
5. City Council Paper 319/2022.

Decision re: CCP 316/2022: The Planning Board recommends to the City Council disapproval of the amendment as proposed, and with the additional recommendation, that if the City Council approves any amendment, the following provision be added:

“A Marijuana Establishment shall not be a principal use of and/or located in the same building or on the same property, which, as of the date of filing of the petition for a special permit for the Marijuana Establishment, is lawfully used for any of the following:

- a) residential use
- b) daycare licensed by the Commonwealth of Massachusetts
- c) club/lodge
- d) hospital
- e) public, non-profit or private school providing education in kindergarten, or Grades 1- 12
- f) religious facilities
- g) business school
- h) motel-hotel
- i) nursing or convalescent home
- j) recreation for gainful business
- k) restaurants (fast-food service, and all other)
- l) retail sales of alcohol (any SF gfa)
- m) convenience store
- n) supermarket
- o) substance abuse treatment center
- p) any park playground, recreational field or recreational facility, and including, but not limited to: the Malden Teen Enrichment Center, the YMCA and the YWCA;
- q) facilities in which children commonly congregate”

The decision is described in correspondence dated August 23, 2022 to City Council from Romero (attached).

Record of Votes re: CCP 316/2022: On the motion by MacCuish, seconded by Henry, to recommend disapproval of the amendment as proposed and with the additional stated recommendation, the vote was six in favor, three opposed, and the motion passed (6-3).

	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstained</u>	<u>Not Voting</u>
ANTONUCCI	X				
CHUHA	X				
GEBRESELAISSIE	X				
GRAY		X			
HAYES			X		
HENRY	X				
MacCUISH	X				
SOUCY		X			
VERMA		X			
IOVEN Chair	X				

Decision re: CCP 317/2022: The Planning Board recommends to the City Council approval of the amendments as proposed.
The decision is described in correspondence dated August 23, 2022 to City Council from Romero (attached).

Record of Votes re: CCP 317/2022: On the motion by Antonucci, seconded by Soucy, to recommend approval of the amendment as proposed, the vote was nine in favor, none opposed, and the motion passed (9-0).

	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstained</u>	<u>Not Voting</u>
ANTONUCCI	X				
CHUHA	X				
GEBRESELAISSIE	X				
GRAY	X				
HAYES			X		
HENRY	X				
MacCUISH	X				
SOUCY	X				
VERMA	X				
IOVEN Chair	X				

Decision re: CCP 318/2022: The Planning Board recommends to the City Council approval of the amendments as proposed.

The decision is described in correspondence dated August 23, 2022 to City Council from Romero (attached).

Record of Votes re: CCP 318/2022: On the motion by Antonucci, seconded by MacCuish, to recommend approval of the amendment as proposed, the vote was nine in favor, none opposed, and the motion passed (9-0).

	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstained</u>	<u>Not Voting</u>
ANTONUCCI	X				
CHUHA	X				
GEBRESELAISSIE	X				
GRAY	X				
HAYES			X		
HENRY	X				

MacCUIISH	X
SOUCY	X
VERMA	X
IOVEN Chair	X

Decision re: CCP 319/2022: The Planning Board recommends to the City Council approval of the amendment as proposed.

The decision is described in correspondence dated August 23, 2022 to City Council from Romero (attached).

Record of Votes re: CCP 319/2022: On the motion by Antonucci, seconded by Soucy, to recommend approval of the amendment as proposed, the vote was nine in favor, none opposed, and the motion passed (9-0).

	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstained</u>	<u>Not Voting</u>
ANTONUCCI	X				
CHUHA	X				
GEBRESELIASSIE	X				
GRAY	X				
HAYES			X		
HENRY	X				
MacCUIISH	X				
SOUCY	X				
VERMA	X				
IOVEN Chair	X				

The City Council Ordinance Committee adjourned at 9:45 pm.

IV. PUBLIC MEETING

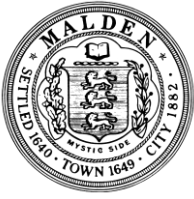
A. Status Updates.

- 1) Community Preservation Committee. Henry provided an update.

IV. Next Meeting: Regular meeting September 14, 2022

V. Adjournment: 10:49 pm. (On the motion by Chuha, seconded by Gebreselassie, all voted in favor and the motion passed.)

Approved: Charles Ioven, Chair



City of Malden

Massachusetts

INSPECTIONAL SERVICES
215 Pleasant Street, 3rd Floor
Malden, Massachusetts 02148
(781) 397-7000 ext. 2044

August 23, 2022

Malden City Council
Malden City Hall
215 Pleasant Street
Malden, MA 02148

**Re: Amendments of Title 12.12.190.E, Code of City of Malden
Use Regulations for Marijuana Establishments, Principal Use Requirement
City Council Paper #316/2022**

Dear Councilors:

On August 16, 2022, the Planning Board and City Council Ordinance Committee jointly held a public hearing regarding the above-referenced proposed amendments.

As a result of the public hearing, on August 16, 2022, a majority of the Planning Board, namely, six of those nine members present, decided to recommend to the City Council **disapproval** of the amendments as proposed, with the additional recommendation, that if the City Council approves any amendment, the following provision be added:

A Marijuana Establishment shall not be a principal use of and/or located in the same building or on the same property, which, as of the date of filing of the petition for a special permit for the Marijuana Establishment, is lawfully used for any of the following:

- a) residential use*
- b) daycare licensed by the Commonwealth of Massachusetts*
- c) club/lodge*
- d) hospital*
- e) public, non-profit or private school providing education in kindergarten, or Grades 1- 12*
- f) religious facilities*
- g) business school*
- h) motel-hotel*
- i) nursing or convalescent home*
- j) recreation for gainful business*
- k) restaurants (fast-food service, and all other)*
- l) retail sales of alcohol (any SF gfa)*
- m) convenience store*
- n) supermarket*
- o) substance abuse treatment center*
- p) any park playground, recreational field or recreational facility, and including, but not limited to: the Malden Teen Enrichment Center, the YMCA and the YWCA;*
- q) facilities in which children commonly congregate*

For your reference, enclosed please find the Planning Report & Recommendation dated August 16, 2022, with attachments, which was presented at the public hearing.

Malden City Council
August 23, 2022
Page 2 of 2

Finally, please be advised, that, if the City Council fails to act on the amendments within ninety (90) days of the date the public hearing closed, a new duly advertised public hearing must be held. Accordingly, **the final date for action is November 14, 2022.**

I am available to discuss and answer any questions regarding the Planning Board's recommendation. Please do not hesitate to contact me. Thank you.

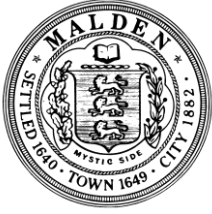
Sincerely,



Michelle A. Romero
City Planner

Enclosure

CC: Greg Lucey, City Clerk
Mayor Gary Christenson
John McNaught, Acting City Solicitor



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August 23, 2022

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Malden, MA 02148

**Re: Amendments of Title 12.12.190.H.2, Code of City of Malden
Use Regulations for Marijuana Establishments, Security Plan Requirements
City Council Paper #317/2022**

Dear Councilors:

On August 16, 2022, the Planning Board and City Council Ordinance Committee jointly held a public hearing regarding the above-referenced proposed amendments.

As a result of the public hearing, on August 16, 2022, a majority of the Planning Board, namely, all nine of those nine members present, decided to recommend to the City Council **approval** of the amendments as proposed.

For your reference, enclosed please find the Planning Report & Recommendation dated August 16, 2022, with attachments, which was presented at the public hearing.

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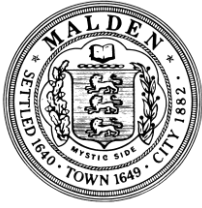
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Michelle A. Romero
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August 23, 2022

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Malden City Hall
215 Pleasant Street
Malden, MA 02148

**Re: Amendments of Title 12.12.190.H.9, Code of City of Malden
Use Regulations for Marijuana Establishments, Building & Occupancy Permit Requirements
City Council Paper #318/2022**

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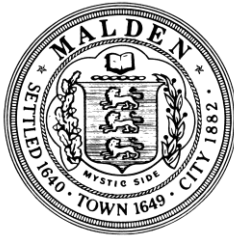
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August 23, 2022

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**Re: Amendments of Title 12.12, Code of City of Malden
Use Regulations for Uses Allowed by Special Permit
Residential Uses, Except Structures more than 6 Stories (§§12.12.010.A1 & 12.12.010.A.2)
Institutional, Business, Industrial and Other Uses (§§12.12.010.B.1 & 12.12.010.B.2)
Property with a Preferably Preserved Building (§§12.12.010.C.1 & 12.12.010.C.2)
Fast-food Service Restaurants (§§12.12.060.A & 12.12.060.B)
Restaurants (§§12.12.070.A & 12.12.070.B)
Drive-thrus (§§12.12.150.A & 12.12.150.B)
Gasoline Filling & Service Stations (§§12.12.160.A & 12.12.160.B)
City Council Paper #319/2022**

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Sincerely,

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City Planner

Enclosure
CC: City Clerk, Mayor, City Solicitor